

Report on Public Policy Position

Name of section:

Appellate Practice Section

Contact person:

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Proposed Court Rule or Administrative Order Number:

[2007-40 – Proposed Amendment of Rule 7.205 of the Michigan Court Rules](#)

Alternative A would adopt the principle that the period in which to file an application for delayed appeal pursuant to MCR 7.205(F) is tolled while a claim of appeal is pending.

Alternative B would clarify that the period in which to file an application for delayed appeal pursuant to MCR 7.205(F) is not tolled while a claim of appeal is pending, except as allowed by the rule.

Date position was adopted:

November 21, 2008

Process used to take the ideological position:

Position adopted after discussion and vote at a schedule meeting

Number of members in the decision-making body:

24

Number who voted in favor and opposed to the position:

8 Voted for position

7 Voted against position

0 Abstained from vote

9 Did not vote

Position:

Support "Alternative A."

Explanation of the position, including any recommended amendments:

1. All members support in principle the concept of tolling the time for filing a delayed application for leave to appeal.
2. All members support tolling the time for filing a delayed application for leave to appeal if a claim of appeal from the same order is dismissed for lack of jurisdiction.
3. A majority of those voting support "Alternative A," providing for tolling the time for filing a delayed application for leave to appeal if a claim of appeal from the same order is dismissed for any reason.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in <http://courts.michigan.gov/supremecourt/Resources/Administrative/2007-40-09-23-08.pdf>